

EXHIBIT

A

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

IN RE GENETICALLY MODIFIED
RICE LITIGATION

4:06 MD 1811 CDP
ALL CASES

FILED UNDER SEAL

**PROPOSED ORDER REGARDING DISPOSITIVE/DAUBERT MOTIONS
IN FIRST GROUP OF CASES TO BE REMANDED**

The following shall modify the procedures and deadlines set forth in CMO-20 for filing dispositive and *Daubert* motions in the First Group of Cases to be Remanded.

- a. For cases being remanded to the Eastern District of Arkansas, the parties should carefully review the Court's December 9, 2009, Memorandum and Order, which ruled on dispositive and *Daubert* motions filed in the Second Bellwether Trial (which involved Arkansas and Mississippi Plaintiffs)(D.I. 2075), and focus their briefing on issues not addressed by that ruling. The Court is not precluding the parties from raising issues the Court already addressed in that ruling, but only new or supplemental points on those issues should be included. The briefing scheduling for dispositive *Daubert* motions in these cases shall remain the same as set forth in CMO-20 (June 11, 2010 for the motions, July 1, 2010 for briefs in opposition and July 11, 2010 for reply briefs.)
- b. For cases to be remanded to the Western District of Louisiana, any motions for summary judgment or motions to exclude or limit testimony under *Daubert* or for any other reason must be filed no later than 30 days after the date the Court issues its rulings on such motions filed in the Fourth Bellwether trial, which

involves Louisiana Producer Plaintiffs. Given that the trial date for that trial is June 21, 2010, the Court anticipates that it will rule on *Daubert* and dispositive motions before that date. Briefs in opposition must be filed no later than three weeks after the due date for the motions, and replies must be filed no later than two weeks thereafter. The parties are likewise encouraged to review carefully the Court's rulings in the Fourth Bellwether Trial and avoid repetitive arguments that are addressed in the Court's rulings.

- c. For cases being remanded to the Southern District of Texas, any motions for summary judgment or motions to exclude or limit testimony under *Daubert* or for any other reason must be filed no later than 30 days after the date the Court issues its rulings on such motions in the Fifth Bellwether Trial, which involves Texas Producer Plaintiffs. Those motions should be ruled upon by the end of September, 2010 as the trial is tentatively scheduled to begin in October 2010. Briefs in opposition must be filed no later than three weeks after the due date for the motions, and replies must be filed no later than two weeks thereafter. The parties are likewise encouraged to review carefully the Court's rulings in the Fifth Bellwether Trial and avoid repetitive arguments that are addressed in the Court's ruling.

Respectfully submitted,

GRAY, RITTER & GRAHAM, P.C.

By: /s/ Don M. Downing
Don M. Downing, Bar # 41786
Gretchen Garrison, Bar # 3189
Jason D. Sapp, Bar #5218238
701 Market Street, Suite 800

St. Louis, Missouri 63101-1826

Tel: (314) 241-5620

Fax: (314) 241-4140

ddowning@grgpc.com

ggarrison@grgpc.com

jsapp@grgpc.com

Plaintiffs' Designated Co-Lead

By: /s/ Adam J. Levitt

Adam J. Levitt

Stacey T. Kelly

WOLF HALDENSTEIN ADLER

FREEMAN & HERZ LLC

55 West Monroe Street, Suite 1111

Chicago, Illinois 60603

Tel: (312) 984-0000

Fax: (312) 984-0001

levitt@whafh.com

***Plaintiffs' Designated Co-Lead and Liaison
Counsel***

Richard J. Arsenault

John Randall Whale

Jennifer Hoekstra

NEBLETT BEARD & ARSENAULT, LLP

2220 Bonaventure Court, P.O. Box 1190

Alexandria, Louisiana 71301

Tel: (800) 256-1050

Fax: (318) 561-2591

Scott E. Poynter

EMERSON POYNTER LLP

500 President Clinton Avenue, Suite 305

Little Rock, Arkansas 72201

Tel: (501) 907-2555

Fax: (501) 907-2556

Stephen A. Weiss

Diogenes P. Kekatos

James A. O'Brien III

SEEGER WEISS LLP

One William Street

New York, New York 10004

Tel: (212) 584-0700
Fax: (212) 584-0799

Joe R. Whatley Jr.
Deborah Clark Weintraub
Adam P. Plant
WHATLEY DRAKE & KALLAS LLP
2001 Park Place North, Suite 1000
Birmingham, Alabama 35203
Tel: (205) 328-9576
Fax: (205) 328-9669

William Chaney
James L. Reed
William J. French
Michael Kelsheimer
Drew York
LOOPER REED & MCGRAW
1601 Elm Street Suite 4100
Dallas, Texas 75201
Tel: (214) 237-6403
Fax: (214) 953-1332

Ralph E. Chapman
Sara B. Russo
CHAPMAN, LEWIS & SWAN
501 First Street
P. O. Box 428
Clarksdale, Mississippi 38614
Tel: (662) 627-4105
Fax: (662) 627-4171

Plaintiffs' Executive Committee

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that I have this 4th day of March, 2010, electronically filed a copy of the foregoing with the Clerk of the Court to be served by operation of the Court's electronic filing system upon the parties of record.

/s/ Don M. Downing